

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Tyron Boisa Gray, Jr., *et al.*,

Plaintiffs,

v.

Case No. 15-12241

City Of Dearborn, *et al.*,

Sean F. Cox

United States District Court Judge

Defendants.

ORDER DISMISSING WITHOUT PREJUDICE
CLAIMS OF UNREPRESENTED MINORS

The Complaint in this action identifies the following as Plaintiffs: 1) Tyron Boisa Gray, Jr.; 2) Nybrieonn Destiny Gray; 3) Tyreonn Gray; 4) “Nayoon Gray, a Minor, by Next Friend, Norma Gray;” and 5) “Donnaja Smith-Gray, a Minor, by Next Friend, Donna Smith.”

The Complaint in this action states that Plaintiffs Nayoon Gray and Donnaja Smith-Gray are minors. The Complaint states that Nayoon Gray is represented by “Next Friend, Norma Gray” and that Donnaja Smith-Gray is represented by “Next Friend, Donna Smith.” The complaint does not indicate that either Norma Gray or Donna Smith are licensed attorneys and the Court notes that neither of these persons are included in the State Bar of Michigan Directory.

“Although 28 U.S.C. § 1654 provides that ‘[i]n all courts of the United States the parties may plead and conduct their own cases personally or by counsel,’ that statute does not permit plaintiffs to appear *pro se* where interests other than their own are at stake.” *Shepherd v. Wellman*, 313 F.3d 963, 970 (6th Cir. 2003). Thus, “parents cannot appear *pro se* on behalf of their minor children because a minor’s personal cause of action is her own and does not belong

to her parent or representative.” *Id.*

As non-attorneys, Norma Gray and Donna Smith cannot represent their minor children in this action. Nayoon Gray and Donnaja Smith-Gray may only pursue claims in this action through an attorney.

Accordingly, in an Order issued on July 16, 2015 (Docket Entry No. 5), this Court ordered as follows:

The Court hereby **ORDERS** that the minor children and their parents have **sixty (60) days** in which to obtain counsel to represent the minor children in this action. The Court **FURTHER ORDERS** that if an attorney fails to appear in this action on behalf of Nayoon Gray or Donnaja Smith-Gray by **September 16, 2015**, the claims brought on their behalf in this action will be dismissed without prejudice.

(Docket Entry No. 5 at 2) (emphasis in original).

A review of the docket reflects that no attorney has appeared in this action on behalf of either of the two minors named as plaintiffs, Nayoon Gray and Donnaja Smith-Gray. The Court therefore **ORDERS** that the claims in this action asserted by Nayoon Gray and Donnaja Smith-Gray are **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

Dated: September 21, 2015

S/ Sean F. Cox

Sean F. Cox

U. S. District Judge

I hereby certify that on September 21, 2015, the foregoing document was served on counsel of record via electronic means and upon the parties listed below, via First Class mail, at the addresses listed:

Tryon Boisa Gray, Jr.
4129 Pelham St.
Dearborn Heights, MI 48125

Nybrieonn Destiny Gray
4129 Pelham St.
Dearborn Heights, MI 48125

Tyreonn Gray
4129 Pelham St.
Dearborn Heights, MI 48125

Norma Gray
4129 Pelham St.
Dearborn Heights, MI 48125

Donna Smith
9315 Steel
Detroit, MI 48228

s/ J. McCoy
Case Manager